



**Attorney General
Betty D. Montgomery**

July 14, 2000

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Via Overnight Mail

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Portals II Building
Washington, DC 20554

Re: *In the Matter of Numbering Resource
Optimization, CC Docket 99-200, et al.*

Dear Ms. Salas:

Enclosed, please find the original and four copies of the Petition for Reconsideration and Motion for Clarification submitted by the Public Utilities Commission of Ohio and joint parties.

Please return one stamped copy to me in the enclosed, self-addressed stamped envelope.

Thank you for your consideration in this matter.

Respectfully submitted,

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Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)
)
Numbering Resource Optimization) CC Docket No. 99-200
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PETITION FOR RECONSIDERATION AND
MOTION FOR CLARIFICATION

INTRODUCTION AND BACKGROUND

On September 13, 1999, the Public Utilities Commission of Ohio (PUCO or Ohio Commission) filed with the Federal Communications Commission (FCC) an Emergency Petition for Delegation of Additional Authority to Implement Number Conservation Measures (Petition). This Petition sought authority to: 1) enforce current standards for number allocation, or to set and enforce new standards and requirements; 2) order the return of unused, improperly used, reserved, and/or protected NXX codes (and/or thousand blocks if number pooling is implemented; 3) order efficient number use practices within NXX codes; 4) investigate and order additional rationing measures; 5) require number pooling where and when the state determines it to be appropriate; and 6) implement technology- and/or service specific overlays.

On November 30, 1999, the FCC adopted an order that, conditionally granted the Ohio Commission the authority to set NXX code allocation standards; to reclaim unused and reserved NXX codes, and thousand-number blocks within codes where number pooling was implemented; to investigate and

order the return of reserved and protected NXX codes; to require sequential number assignment; and to institute thousands block number pooling trials.

On March 31, 2000, the FCC released a Report and Order and Further Notice of proposed Rule Making (Report and Order) in CC Docket No. 99-200 (In the Matter of Numbering Resource Optimization). In its Report and Order, the FCC adopts administrative and technical measures intended to permit the FCC to monitor more closely the way numbering resources are used within the North American Numbering Plan (NANP). The FCC indicates that measures adopted are intended to promote more efficient allocation and use of NANP resources by tying a carrier's ability to obtain numbering resources more closely to its actual need for numbers to serve its customers.

Among other things, the FCC's March 31, 2000 decision (Report and Order or Order) requires a mandatory utilization data reporting requirement, a uniform set of categories of numbers for which carriers must report their utilization, and a utilization threshold framework to increase carrier accountability and incentives to use numbers efficiently. Additionally, the FCC adopts a single system for allocating numbers in blocks of 1,000, rather than 10,000, wherever possible ("thousands-block number pooling"), and establishes a plan for national rollout of thousands-block number pooling. Moreover, the FCC's decision implements section 251(e)(2) of the Telecommunications Act of 1996 (1996 Act) regarding numbering administration. The decision also establishes cost recovery principles similar to those established for number portability. The FCC also adopted numbering resource reclamation requirements to ensure the return of unused numbers to the NANP inventory for assignment to other carriers. To encourage

better management of numbering resources, the FCC mandates that carriers fill their need for numbers out of "open" thousands blocks before beginning to use numbers from new blocks to facilitate reclamation.

The FCC's Report and Order indicates that the rapid depletion of numbering resources nationwide and the potential it creates for NANP exhaust are national problems that must be dealt with at the federal level. The FCC notes that the individual states have an important role in the management of telephone numbering resources and that it intends to work with the states to implement a national numbering resource optimization framework.

Because the FCC's March 31, 2000 decision in CC 99-200 restricts the Ohio Commission's ability to enforce the conservation measures that the PUCO had implemented or planned to implement, the Ohio Commission seeks clarification and/or reconsideration of certain sections of the FCC's order that will have a negative impact on the PUCO's ability to implement the conservation measures to the benefit of all Ohio citizens. Specifically, the Ohio Commission requests that the FCC reconsider its decisions concerning state access to carrier numbering data, the number pooling implementation requirements, sequential number assignments procedures, and our request to implement service/technology overlays. The Ohio Commission further seeks clarification concerning the FCC's confidentiality requirements concerning state access to data collected by NANPA.

DISCUSSION

General Comments

As stated previously, on November 30, 1999, the FCC delegated to Ohio, some but not all of the requested emergency authority measures that Ohio had planned to utilize to forestall exhaust of area codes in Ohio. At the time, the PUCO was facing the pending exhaust of four area codes: 330 (Akron/Canton), 440 (suburban Cleveland), 419 (Toledo) and 513 (Cincinnati). The Ohio Commission believes that, unfortunately to the detriment of Ohio telephone subscribers, this Report and Order removes much of the authority granted to Ohio only seven months earlier.

As explained in detail below, the first and most important of the eliminated authorities is the states' ability to independently collect number utilization and forecast data from carriers on a regular basis. Without the ability to track the requests for numbering resources by Ohio carriers, or to even ensure that a requesting carrier is certified in Ohio, the Ohio Commission cannot hope to ensure that telephone numbers are used efficiently by carriers. If the solution to this problem is for the Ohio Commission to rely on data reported to NANPA, the examples included in this Petition will highlight the lack of confidence the Ohio Commission has in the current data collection process. It is uncertain that improvements required by the Report and Order will lead to a greater level of confidence.

The Ohio Commission submits that independent data collection authority is absolutely essential to our other delegated authorities including code

investigation and reclamation, pooling trial selection and management, and utilization threshold compliance. Without the appropriate tools to carry out such responsibilities, the Ohio Commission believes the FCC in its Report and Order has essentially required that we construct a house without a hammer.

Ohio consumers expect and demand that the Ohio Commission carry out an active role in forestalling area code exhausts in Ohio. The PUCO is at a loss to explain what measures remain that were not superseded or modified by this Report and Order that would enable the PUCO to accomplish such a goal. It appears that the only duties remaining for states after implementation of this order is the resolution of carriers' complaints with NANPA, investigation and reclamation of unused codes (without the independent ability to verify data), and the submission of timely area code relief plans. Furthermore, the PUCO has continually been denied access to a particularly useful tool in implementing a service and/or technology specific overlay. Consequently, we request that the FCC grant Ohio's Petition for Reconsideration and Motion for Clarification of its Report and Order in order for the Ohio Commission to exercise meaningful authority over these issues.

State Commissions' Access to Data

The FCC's Report and Order notes that, consistent with the Ohio Commission's previous comments in this proceeding, numbering resource management is a cooperative effort between the FCC, states, and the North American Numbering Plan Administrator (NANPA). Consequently, the FCC finds that the states have legitimate reasons for obtaining disaggregated, carrier-specific data. States are responsible for NPA relief decisions and other delegated

numbering issues and that such decisions must be based on specific utilization data. The FCC, therefore, is convinced that state commissions will be better able to meet their obligations with respect to area code relief with the information that it has determined necessary. As a result, the FCC grants all states access to the semi-annual reported data collected by NANPA, subject to appropriate confidentiality protections. The FCC also finds that the Pooling Administrator shall have access to carrier specific data and must protect proprietary and competitively sensitive information from public disclosure. Report and Order at ¶ 75.

The FCC rejects North Carolina's assertion that the states should continue to have the authority to collect additional utilization and forecast data independently of what we are ordering the carriers to report to the NANPA. The FCC will not delegate authority to the states to impose additional regularly scheduled reporting requirements on any carriers. The FCC submits that such independent authority would undermine the purpose of establishing regularly scheduled federal reporting requirements, namely a uniform standard that all carriers could use in their record keeping and reporting activities. Thus, the FCC's decision supersedes the authority previously delegated to states to require such reporting. The FCC does not intend to supplant independent state authority exercised pursuant to state law unrelated to number administration. The FCC does recognize that from time to time a state may need to audit a specific carrier and will need access to more granular data. Therefore, the FCC's prohibition on state-ordered reporting does not apply in instances where states need to gather data for a specific purpose, as long as these data reporting

requirements do not become regularly scheduled state-level reporting requirements. Report and Order at ¶ 76.

The Ohio Commission will not be able to carry out the duties and responsibilities required under this order without the ability to collect data independently. Nor can the PUCO successfully enter a meaningful pooling trial without such data. Thus, the Ohio Commission respectfully requests reconsideration of this issue and asks that the FCC give state commissions the necessary tools to collect such important data.

The Ohio Commission was the only state that sought, and was granted by the NANPA, the authority to administer its own relief planning. Ohio has been successful in accomplishing its duty to approve timely relief plans as evidenced by the recent adjudication in the "330" and "419" NPAs. However, the Ohio Commission currently has to rely on the data collected by NANPA in order to develop proposed plans for an area code nearing exhaust. The NANPA's current data collection process, as was highlighted in the Report and Order, is in need of improvement. The steps outlined in the Report and Order may result in improvement to the data collection process; however, until such a mechanism is finalized and the data has been collected and reviewed, Ohio believes that it still must continue to rely on the NANPA's questionable data. In one recent example experienced by the Ohio Commission, the "330" NPA lasted little more than 3 years even though it was projected by NANPA to last for approximately 8 years. On the other hand, the "440" (Akron/Canton) NPA was scheduled to exhaust in the 4th quarter of 2001. Under Ohio Commission guidelines, relief planning for the "440" NPA began in June of 1999. Then in December 1999, the NANPA "440"

exhaust projection was revised to exhaust in the 3rd quarter 2003. Earlier this year, the NANPA contacted the PUCO, saying that "440" would potentially be placed into jeopardy. After working with NANPA and Ameritech, the Ohio Commission realized that NANPA was incorrectly counting protected codes that were actually available for assignment in "440." The most recent May projection from NANPA reflects a scheduled exhaust date of the 2nd quarter 2004. Planning for "440" NPA relief has been placed into abeyance, however, not before engendering significant media attention.

As a final example, the Ohio Commission notes that the NPA COCUS Report of May 1999 reflected a projected exhaust during the first quarter of 2002 for the "513" NPA. Based on this information, the Ohio Commission initiated an investigation for relief planning for "513" in June 1999. Subsequent to this undertaking, the January 18, 2000, COCUS (when considered in conjunction with the scheduled return of 120 NXX codes to "513") led to the inaccurate conclusion that the Ohio Commission should delay its consideration of "513" number relief. Shortly thereafter, on May 8, 2000, NANPA informed the Commission that the "513" NPA was deemed to be in jeopardy due to recent unexpected high demand for NXX codes.

These examples demonstrate that Ohio has been placed in the unenviable position of being accountable to the public for addressing the issue(s) involving area code relief while not being provided the necessary and most effective tools to implement such relief.

On a related matter regarding data collection, under the previously authorized state delegated authority, the Ohio Commission prepared an order

seeking data in a format substantially similar to that later outlined in the FCC's Report and Order. This data was essential for not only Ohio's relief planning but also necessary to carry out other delegated duties (e.g., NXX code reclamation and utilization threshold). The Ohio Commission's decision was scheduled for approval the week after the FCC's Report and Order was released. Because the FCC Order appears to supersede Ohio's previously granted authority and does not allow the PUCO to collect data relating to number administration on a regularly scheduled basis, this order was not issued.

Aside from the obvious uses of this data to determine optimal areas for pooling and area code relief planning, the Ohio Commission is concerned about completing remaining duties required by the FCC's Report and Order. As discussed in further detail below the FCC mandates that the Ohio Commission to take an active role in code investigation and reclamation. The most efficient and reliable manner is to independently collect data. Ohio's efforts would not "undermine the purpose of establishing regularly scheduled federal reporting requirements, namely a uniform standard that all carriers could use in their record keeping and reporting activities." Carriers are accustomed to reporting similar information to different jurisdictions. Further, the Ohio Commission has worked cooperatively with the industry on many reporting issues and this issue in particular. On January 27, 2000, the Ohio Commission convened the aforementioned industry workshop for the sole purpose of developing a reporting mechanism for the collection of forecasted and utilization data at the thousands-block level from Ohio carriers on a regular basis. The industry raised no concerns about this process nor the data that the PUCO was planning to

collect, but now the FCC has specifically prohibited the collection of this important data on a regular basis.

Confidentiality

The FCC's decision finds that disaggregated, carrier-specific forecast and utilization data should be treated as confidential and should be exempt from public disclosure under 5 U.S.C. § 552(b)(4). Despite its conclusion that disaggregated utilization and forecast data should be treated as confidential information and should not be publicly disclosed, the FCC recognizes that state commissions may require access to this data to effectively carry out number administration duties.

The FCC submits that the value to state commissions of access to these data outweighs the confidentiality concerns expressed by carriers required to submit forecast and utilization data to the NANPA. The FCC delegates additional numbering authority to state commissions to require more efficient management of thousands blocks and to implement mandatory thousands-blocking pooling under certain conditions. Therefore, according to the FCC, state commissions shall have access to the disaggregated data submitted to the NANPA on a semi-annual basis, and may choose to request copies directly from carriers, provided that the state commission has appropriate protections in place (which may include confidentiality agreements or designation of information as proprietary under state law) that would preclude disclosure to any entity other than the NANPA or the FCC.

The FCC notes that some state commissions have requested access to other information such as carriers' applications for initial or growth numbering

resources. The FCC observes that this information reveals commercial information, business plans and strategies, expansion plans, location of customers, and market growth. Consequently, the FCC finds that these applications should be deemed confidential. The FCC will not limit a state commission's access to applications for initial or growth numbering resources, but will require the state commissions to treat this data, as well as forecast and utilization data, as confidential. State commissions must continue to permit the NANPA to process requests for numbering resources in a timely fashion after receipt of such information. Report and Order at ¶¶ 77-82.

The Ohio Commission seeks clarification of paragraphs 77-82 of the Report and Order under which states can seek confidential treatment of NANPA data. This data is of particular importance if Ohio cannot independently collect its own data. The Ohio Commission seeks clarification as to what confidential treatment is needed to obtain such data.

Ohio law provides ample protection to carriers against the release of confidential forecast and utilization data. Although under Ohio law records in the custody or control of public bodies generally are public records available for inspection¹ the Ohio Public Records Act exempts from disclosure "records the release of which are prohibited by state or federal law."² Given the FCC's unambiguous requirement that the information be treated as confidential,³ the

¹ Ohio Rev. Code 149.43(A)(1).

² Ohio Rev. Code 149.43(A)(1)(r).

³ "[W]e require the state commissions to treat this data, as well as forecast and utilization data, as confidential." *FCC Order 00-104*, at par. 82.

Ohio Commission will treat the FCC's Order as a prohibition under federal law for purposes of the Ohio Public Records Act.⁴

Although Ohio law protects this confidential carrier data from disclosure, the Ohio Commission believes that clarification from the FCC is warranted to ensure that information it has requested will not be withheld by the NANPA and/or carriers desiring that the Ohio Commission enter into separate confidentiality agreements. The Ohio Commission requests that the FCC clarify that states, which have communicated to the FCC that state law provides sufficient protection of confidential data for purposes of its Order are not required to enter into separate confidentiality agreements with carriers or the NANPA. The FCC's recent Public Notice supports the Ohio Commission's position that the NANPA will rely on a state commission's statements that it has the appropriate confidentiality protections in place.⁵

Further, the Ohio Commission seeks clarification concerning data requested outside of the carriers semi-annual reports to NANPA. Such data should be provided to the Ohio Commission. The PUCO is concerned because the NANPA has refused to disclose to PUCO staff the identity of carriers requesting large blocks of numbers. In a recent experience with the "513" (Cincinnati) NPA where NANPA, when informing the Ohio Commission shortly

⁴ It should also be noted that the above exemption from disclosure is complemented by the Ohio Public Utilities Act, which prohibits employees or agents of the Public Utilities Commission of Ohio from divulging information acquired by him "in respect to the transaction, property, or business of any public utility . . ." except in his report to the Ohio Commission, while testifying in its proceedings, or when called on to testify in court. Any person violating the latter section is disqualified from acting as an employee or agent of the Ohio Commission, and is subject to a fine. Ohio Rev. Code 4901.16.

⁵ *Public Notice, Responses to Questions in the Numbering Resource Optimization Proceeding* CC Docket 99-200, DA00-1549, released July 11, 2000.

before jeopardy was declared in the "513" NPA, the NANPA would not reveal the identity of the carrier that had requested a large number of codes. At that point, the Ohio Commission had no verifiable means to ensure that the carrier in question was even certified to provide service in the "513" NPA. The Ohio Commission maintains that this scenario is counterproductive to the efficient utilization of numbering resources.

Delegations of Authority for Pooling to State Commissions

Pursuant to the Report and Order, the FCC will continue to grant delegated authority to enter into pooling trials. In fact, as previously noted, the Ohio Commission was granted this particular delegated authority in November of 1999. However, as also acknowledged by the FCC, this authority will be superseded by a national thousands-block number pooling framework, including the technical standards and pooling administration provisions found in the Report and Order. For those pooling trials already in existence, the FCC requires that state commissions bring such trials into conformance with the FCC's national pooling framework by September 1, 2000. For those trials not yet commenced, the trials must be consistent with the national framework and may only continue until national pooling implementation. The FCC concludes that the time frame for initiating thousands-block number pooling should be no longer than nine months after the date on which the Pooling Administrator is selected. Report and Order at ¶¶ 169 - 171.

While the PUCO recognizes and respects the efforts of other states to implement state pooling trials, the Ohio Commission does not understand the benefit of proceeding with a state pooling trial at this time. As noted previously,

the Ohio Commission was prepared to issue an order in March of this year to collect data from the industry on a thousands-block level that is necessary to carry out the state commission's delegated duties including a pooling trial in Ohio. Collection of this data would allow the accurate selection of the optimal geographic area for a pooling trial by obtaining current utilization and forecast information from carriers on a regular basis. The FCC severely restricted the state's ability to collect such data. Because the Ohio Commission does not have access to the current NANPA data, and because the PUCO questions its reliability without the improvement measures outlined in the Report and Order, made to the NANPA data, it is impossible to conduct an optimal pooling trial in Ohio.

Further, assuming proper selection of an appropriate area to conduct a trial, the timeframe set forth for the implementation of a national pooling framework precludes the ability to enter into a meaningful trial. State pooling trials must be brought into conformance with the national framework by September 1, 2000. There is not nearly enough time to conduct a meaningful trial and implement pooling by September 1, 2000. The Ohio Commission, like the FCC, would be required to issue a request for proposal and to seek competitive bids for a pooling administrator in Ohio. By the time that such a selection could be made and a pooling trial could be implemented in one metropolitan statistical area (MSA), as required by the FCC guidelines, the timeframe for national implementation would be nearing. Once national implementation occurs, cost recovery for pooling as required by the FCC is purely a federal mechanism.

Therefore, it does not seem reasonable or practical to expend limited resources to select a state-pooling administrator for such a short period of time.

The Ohio Commission requests that the FCC reconsider its Report and Order and allow interested states to perform, as Ohio does for relief planning, their own number pooling implementation. The FCC agrees with only three parties that stated that "uniform standards for thousands-block number pooling are necessary to minimize the confusion and additional expense related to compliance with inconsistent regulatory requirements." Report and Order at ¶ 169. It is possible for individual states that so desire to implement pooling that is consistent with the national framework. The Ohio Commission has experience in approving timely relief plans that are consistent with applicable national guidelines, including the Central Office Code Assignment Guidelines and NPA Code Relief Planning and Notification Guidelines. The Ohio Commission is capable and skilled in optimizing numbering resources. Other states have also had success in managing their own number pooling trials. These states, such as Maine and California, have accommodated regional rollout schedules and other issues to address burden and minimize confusion for carriers.

Reclamation of Unused Codes

The FCC grants authority to the individual state commissions to investigate and determine whether code holders have "activated" NXXs assigned to them within the time frames specified in the Report and Order. State commissions, therefore, may request proof from all code holders that NXX codes have been activated and assignment of the numbers has commenced. The FCC directs the NANPA to abide by the state commission's determination to reclaim

an NXX code if the state commission is satisfied that the code holder has not activated the code within the time specified by the Report and Order. If state commissions do not make decisions on NXX reclamation, the FCC will order the NANPA to be responsible for reclamation activities.

The FCC Report and Order also affords the states the authority to direct the Pooling Administrator in state pooling trials, as well as the national Pooling Administrator once national thousands-block number pooling has been established, to reclaim unactivated or unused thousands blocks. If state commissions decline to make decisions on NXX or thousands-block reclamation, the FCC, under its exclusive jurisdiction over numbering, can order the NANPA, or the Pooling Administrator where thousands-block number pooling is in place, to be responsible for reclamation activities. Finally, the FCC also requires the initiation of reclamation action within sixty days of expiration of the assignee's applicable activation deadline, instead of the current 18-month timeframe in the CO Code Assignment Guidelines. Report and Order at ¶¶ 237 - 241.

While authority to reclaim codes is important, without easy access to NANPA's data or the ability to independently collect data from carriers, this type of activity will be impossible for the Ohio Commission to manage. Access to carrier's utilization and forecast data is critical in determining whether a carrier is properly administering its numbering resources. It has been the PUCO's experience that requiring carriers to provide copies of data and requests for numbering resources that it provides concurrently to NANPA is a requirement that has been largely ignored by many carriers in Ohio. Consequently, in order to carry out our duties for this function the Ohio Commission will actively have

to seek the data from NANPA or request that carriers provide copies of their own data to the PUCO. The best solution to this problem is to allow the Ohio Commission, using national criteria, to collect the data directly from carriers on a regular reporting basis.

At a minimum, the Ohio Commission requests that the FCC direct the NANPA to provide copies of all requests for numbering resources directly to the Ohio Commission's staff. Such data is essential to Ohio's ability to monitor trends and to verify that the carriers that are certified are appropriately requesting numbering resources. Since carriers have not provided copies of the information that they send to NANPA, the Ohio Commission requests that the FCC order carriers to do so.

Sequential Number Assignment

The FCC's Report and Order adopts a requirement which mandates that carriers first assign all available telephone numbers within an opened thousands-block before opening another thousands-block, unless the available numbers in the opened thousands-block are not sufficient to meet a customer request. This requirement applies to a carrier's existing numbering resources as well as any new numbering resources that it obtains in the future. Under the FCC's requirement, a carrier that opens a clean block prior to utilizing in its entirety a previously-opened thousands-block should be prepared to demonstrate to the state commission: (1) a genuine request from a customer detailing the specific need for telephone numbers; and (2) the inability on the part of the carrier to meet the specific customer request for telephone numbers from the surplus of numbers within the carrier's currently activated thousands-block. State

commissions are required to conform their existing sequential number assignment requirements by January 1, 2001. Report and Order at ¶¶ 244- 246.

In November 1999, the FCC granted the Ohio Commission the authority to require carriers to assign numbers from an NXX or thousands block in a sequential manner. Sequential number assignment protects thousands blocks within an NXX from contamination so that the block is available for pooling if needed. A carrier may use only a few numbers in each thousands block to avoid having to pool that block. This strategy allows carriers to preserve as many numbers as possible to provide customers with "vanity numbers" when requested. Sequential number assignment requires that a carrier assign numbers sequentially in order to lessen the potential for vanity number assignment or thousands block contamination. Pursuant to that authority, the Ohio Commission adopted a sequential number assignment requirement (PUCO Case No. 97-884-TP-COI, December 9, 1999). The Ohio Commission believes that the FCC's Report and Order wrongfully supersedes the states' delegated authority for sequential number assignment by requiring states by January 1, 2001, to conform to the FCC's requirements.

As a result, the Ohio Commission seeks reconsideration of the sequential number assignment requirement imposed by the FCC. Pursuant to the PUCO's current sequential number assignment guideline, beyond the assignment of the first telephone number in a new NXX, no number should be assigned from any thousands block that is not currently overly contaminated unless and until at least 75 percent of all the telephone numbers in all of the overly contaminated thousands blocks have assignment levels at or above 75 percent. A thousand

block with higher than a 10 percent assignment is considered "overly contaminated" and a block with 10 percent or less of the numbers assigned is considered "not overly contaminated."

The Ohio Commission believes that this 75 percent requirement meets the FCC's goal of flexibility while simultaneously avoiding the potential for over assignment of vanity numbers. Additionally, it fits within the FCC's requirement. The FCC simply requires that a carrier opening a clean thousands-block "must be prepared" to demonstrate to the state commission the reasons why it opened a new thousands block of numbers. Thus, the FCC must reconsider this issue in order to adopt the Ohio Commission's sequential number assignment requirement or, in the alternative, allow the Ohio Commission to keep its current sequential number assignment guideline.

Service/Technology Specific Overlay

On one final matter, the Ohio Commission notes that the FCC has denied our requests for authority to institute service/technology specific overlays. To this end, Ohio believes it is appropriate once again to express its concerns regarding FCC's prohibition of a service and/or technology specific overlay.

Over the past nine months, the Ohio Commission has been actively involved in dockets related to number relief endeavors in the "330", "419", and "513" NPAs. As part of the Ohio Commission's consideration of these various cases, the PUCO has received significant public testimony related to the frustration regarding the inefficient utilization of numbering resources. Subscribers are also frustrated by the fact that the available remedies are not

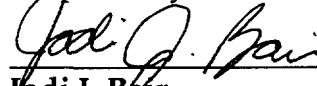
necessarily those which will result in the least amount of disruption and confusion.

The testimony received at public hearings throughout the state of Ohio has repeatedly identified the fact that remedies such as service-specific overlays would allow for number relief while providing minimal disruption to subscribers within the state. This point is best illustrated by testimony that recognized that telephone numbers associated with electronic transaction communication (i.e. ATMs, pay-at-the-pump) are the least impacted by area code changes. A service specific and/or technology specific overlay should not be unilaterally prohibited due to concerns of the wireless industry regarding potential discriminatory treatment. In fact, segments of the wireless industry may find it beneficial to have an entire NPA available for number assignment. Regardless, even if the FCC were to exclude the wireless industry from such an overlay, the potential to save thousands of numbers exists by assigning the aforementioned electronic communication transactions to the service-specific overlay. The Ohio Commission also supports recent discussion among the state commissions concerning the potential for assigning non-geographical based overlays for services and/or technologies that are not associated with a particular geographic area. Therefore, the Ohio Commission again respectfully requests that it be provided with the additional authority to consider service and/or technology specific overlays as one of the viable options for augmenting the Ohio Commission's number relief authority.

CONCLUSION

The PUCO wishes to thank the FCC for the opportunity to comment and asks that the FCC not restrict the state commission's ability to independently gather data and independently implement number conservation. The Ohio Commission has experience in this area and believes that is absolutely necessary that it be able to get important numbering information from the carriers themselves rather than going through NANPA.

Respectfully submitted,



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